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in determining punishment; *U. S. v. Palan*, 167 Fed. 991; but the record of a former acquittal should not even be introduced into evidence. *State v. Kenney*, 85 Wash. 441. In the cases cited it is clear that both the states and the federal government have "concurrent power" to make laws punishing the same acts; hence, they may be considered direct authority for violations against state and federal laws passed under the Eighteenth Amendment. For the meaning of "concurrent power" under the Eighteenth Amendment, see 19 MICH. L. REV. 329. In case of a state statute passed in aid of the national act itself, the holding of the court in the principal case might be correct; but the fact was that the state statute had been passed prior to the national act. And compare *U. S. v. Mason*, 213 U. S. 115. It should be noted that the "double jeopardy" provision in the Federal Constitution, Fifth Amendment, applies only to the federal courts. See *Fox v. Ohio*, *U. S. v. Barnhart*, *supra*.

CONSTITUTIONAL LAW—LEVER ACT—INDEFINITE OFFENSE.—Defendant was indicted under the Act of October 2, 1919, c. 80, 41 Stat. 397, commonly known as the Lever Act, for selling sugar at an unjust and unreasonable price. The act provides: "That it is hereby made unlawful for any person wilfully * * * to make any unjust or unreasonable rate or charge in handling or dealing in or with any necessities; to conspire, combine, agree, or arrange with any other person. * * * (e) to exact excessive prices for any necessities * * * Any person violating any of the provisions of this section, upon conviction thereof, shall be fined not exceeding \$5,000, or be imprisoned for not more than two years, or both * * *". On appeal to the Supreme Court it was *held* that the indictment had been properly quashed on the ground that the act under which the proceedings were instituted was so vague in its provisions as to what was thereby made an offense that it was unconstitutional. *United States v. L. Cohen Grocery Co.*, Adv. Ops., Feb. 28, 1921, No. 324.

For discussions of cases involving the validity of statutes defining acts amounting to an offense in terms in general as vague as those passed upon in the principal case, see 18 MICH. L. REV. 810; 19 MICH. L. REV. 218. See also 19 MICH. L. REV. 337, discussing one of the lower court decisions under the Lever Act. Many of the cases have involved regulations of speed and lights of automobiles. There is no question that the Lever Act left the matter pretty vague, but it probably is impossible to frame a statute on such subject that would be definite.

CONSTITUTIONAL LAW—REVIEW OF ACTION OF ADMINISTRATION BOARD.—A Wisconsin statute required that the approval of the application by the fire and police commission of a city should be secured before any person could engage in the business of a private detective. The standard of qualification prescribed by the statute for obtaining the license is that the applicant shall be a person of good character, competency, and integrity. The plaintiffs claimed that the statute gave the fire and police commission arbitrary power